



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor  
Dee Freeman, Secretary

September 4, 2012

**CERTIFIED MAIL 7009 16802 0000 7515 3226**  
**RETURN RECEIPT REQUESTED**

Dwayne McCorkle  
P.O. Box 414  
Mr. Holly, NC 28120

SUBJECT:     **Notice of Violation**  
                  Compliance Inspection Report  
                  Old 27 LCID Landfill  
                  36-A-LCID-2010  
                  Gaston

Dear Mr. McCorkle,

On August 13, 2012 Bill Wagner representing the State of North Carolina, Division of Waste Management Solid Waste Section, inspected the above referenced facility for compliance with North Carolina solid waste statutes and rules. No one representing the "Old 27 LCID Landfill" was present during this inspection. The following violations were noted:

- A. 15A NCAC 13B .0566(1) requires, in part, that ***"Operational plans shall be approved and followed as specified for the facility."*** Item 6 of Attachment 3 of the "Permit to Construct and Operate" dated April 11, 2011 (DIN 13403) states ***"the permanent markers that accurately delineate the waste boundary must be maintained."***
- B. 15A NCAC 13B .0566(8) requires that ***"The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes."***

The above deficiencies may have or can compromise the facility's ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to achieve compliance with 15A NCAC 13B .0566(1) and (8) by October 10, 2012 the facility must complete the following:

2090 US Highway 70, Swannanoa, North Carolina, 28778-8211  
Telephone 828-296-4500 ▲ Fax 828-299-7034

<http://portal.ncdenr.org/web/wm/sw>

One  
North Carolina  
*Naturally*

**“Corrective Actions”**

- a) Install and maintain permanent markers that accurately delineate the waste boundary, and
- b) Confirm setback (distance) of the waste boundary from the property lines to ensure that the required set back of 100-ft. is being maintained, and
- c) Ensure that an attendant shall be on duty at all times while the landfill is open for public use and
- d) Ensure that the landfill is secured to prevent unauthorized entry whenever the landfill is closed, and
- e) Upon completion of the corrective action(s) please notify me at (828) 296-4705.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions please contact me at (828) 296-4705 or by e-mail at [bill.wagner@ncdenr.gov](mailto:bill.wagner@ncdenr.gov).

Sincerely,



Bill Wagner  
Environmental Senior Specialist  
Solid Waste Section

ec: Mark Poindexter, Field Operations Branch Supervisor – Solid Waste Section  
Jason Watkins, Western District Supervisor – Solid Waste Section  
Jessica Montie, Compliance Officer – Solid Waste Section